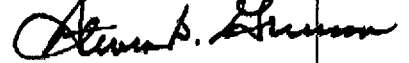


Exhibit “A”

Complaint

Electronically Filed
9/3/2020 4:43 PM
Steven D. Grierson
CLERK OF THE COURT



1 **COMP**
2 BOYD B. MOSS III, ESQ.
3 Nevada Bar No. 8856
4 boyd@mossberglv.com
5 JOHN C. FUNK, ESQ.
6 Nevada Bar No. 9255
7 john@mossberglv.com
8 MOSS BERG INJURY LAWYERS
9 4101 Meadows Lane, Suite 110
10 Las Vegas, Nevada 89107
11 Telephone: (702) 222-4555
12 Facsimile: (702) 222-4556
13 *Attorneys for Plaintiff*

CASE NO: A-20-820685-C
Department 31

DISTRICT COURT

CLARK COUNTY, NEVADA

11 MARIA TERESA RUIZ RAMIREZ,
12
13 Plaintiff,

CASE NO.
DEPT. NO.

13 v.

14
15 WALMART INC., a Foreign Corporation,
16 d/b/a WALMART; DOUG AYERST, an
17 Individual; DOE EMPLOYEE; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

COMPLAINT

18 Defendants.

20 Plaintiff, MARIA TERESA RUIZ RAMIREZ, by and through her attorneys, BOYD B.
21 MOSS III, ESQ., and JOHN C. FUNK, ESQ., of the law firm of MOSS BERG INJURY
22 LAWYERS, and for her causes of action against Defendant, hereby alleges as follows:

23 1. That at all times relevant to these proceedings, Plaintiff, MARIA TERESA RUIZ
24 RAMIREZ was and is a resident of Bell Gardens, California.

25 2 Plaintiff is informed, believes, and thereon alleges that at all times relevant to
26 these proceedings, Defendant, WALMART INC., (hereinafter referred to as Defendant
27 "WALMART"), was and is a Foreign Corporation, organized and existing pursuant to the laws
28

1 of the State of Nevada, and authorized to do and doing business in Clark County, Nevada as
2 Walmart, located at 2310 East Serene Avenue, Las Vegas, Nevada 89123 (hereinafter referred
3 to as "Subject Premises").

4 3. Plaintiff is informed, believes and thereon alleges that at all times relevant to
5 these proceedings, Defendant, DOUG AYERST (hereinafter referred to as Defendant
6 "AYERST") is a citizen and resident of Nevada and was and is the store manager of Defendant,
7 WALMART and is a resident of Clark County, Nevada and was responsible for managing the
8 WALMART located at 2310 East Serene Avenue, Las Vegas, Nevada 89123, in Clark County,
9 Nevada, including but not limited to, inspecting and/or maintaining the Subject Premises of
10 Defendant, WALMART and making sure the Subject Premises is safe and free from hazardous
11 conditions for guests.

12 4. Plaintiff is informed, believes, and thereon alleges that at all times relevant to
13 these proceedings, Defendant, DOE EMPLOYEE was and is an unknown employee of
14 Defendant, WALMART and was and is a resident of Clark County, Nevada, and was
15 responsible for inspecting and/or maintaining Defendants' premises. Plaintiff will ask leave of
16 this Court to amend her Complaint to insert the true names and capacities of DOE EMPLOYEE
17 when the same have been fully ascertained.

18 5. That the true names and capacities, whether individual, corporate, associate or
19 otherwise of Defendants named herein as DOES I through X are unknown to Plaintiff who,
20 therefore, sues said Defendants by said fictitious names. Plaintiff is informed, believes, and
21 thereon alleges that each of the Defendants designated as DOES are responsible in some manner
22 for the events and happenings referred to herein, specifically for creating and/or allowing a
23 hazardous condition to exist on the Subject Premises, which caused damages proximately to
24 Plaintiff as herein alleged. Plaintiff will ask leave of this Court to amend her Complaint to insert
25
26
27
28

1 the true names and capacities of DOES I through X when the same have been fully ascertained
2 and to join such Defendants in this action. At all times mentioned herein, each Defendant was
3 acting as the agent, servant, and/or employee of each other Defendant.

4 6. That the true names and capacities, whether individual, corporate, associate or
5 otherwise of Defendants named herein as ROE CORPORATIONS I through X are unknown to
6 Plaintiff who, therefore, sues said Defendants by said fictitious names. Plaintiff is informed,
7 believes, and thereon alleges that each of the Defendants designated as ROE CORPORATIONS
8 are responsible in some manner for the events and happenings referred to herein, specifically for
9 creating and/or allowing a hazardous condition to exist on Defendant's premises, which caused
10 damages proximately to Plaintiff as herein alleged. Plaintiff will ask leave of this Court to
11 amend her Complaint to insert the true names and capacities of ROE CORPORATIONS I
12 through X when the same have been fully ascertained and to join such Defendants in this action.
13 At all times mentioned herein, each Defendant was acting as the agent, servant, and/or
14 employee of each other Defendant.

15 7. That on or about August 25, 2019 Plaintiff was a guest on the Subject Premises,
16 commonly known as Walmart.

17 8. At that same time and place, Defendants, and each of them, so carelessly and
18 negligently created, owned, controlled, inspected, and/or maintained the premises in an unstable
19 and dangerous manner so as to allow a hazardous condition, to exist on the Subject Premises,
20 specifically, an unreasonably wet floor, where Defendants were aware numerous customers
21 would be constantly walking, which, without proper warning of the hazard, caused Plaintiff to
22 slip and fall, and as a proximate result thereof, Plaintiff was seriously injured.

1 9. That as a direct and proximate result of the Defendants, and each of them, and/or
2 their employee/agent's negligent acts and/or omissions and/or breach of duty, Defendants
3 forced Plaintiff to encounter a dangerous condition by creating and/or allowing a liquid
4 substance to exist on the floor of a main walkway, to exist on the Subject Premises, thereby
5 causing Plaintiff to slip and fall.
6

7 10. Defendants, and each of them, carelessly and negligently failed to warn of a
8 hazard with respect to the Subject Premises, thereby forcing Plaintiff to encounter a dangerous
9 condition on the Subject Premises, resulting in Plaintiff sustaining serious injuries and damages.
10

11 11. That as a further direct and proximate result of the negligence, carelessness, and
12 recklessness of Defendants, Plaintiff sustained severe and debilitating injuries to her neck, back,
13 head, left arm, left shoulder, left hip and left leg, among others, all or some of which conditions
14 may be permanent or disabling in nature, causing general damages in an amount to be
15 determined at trial.

16 12. This Court has subject matter jurisdiction over this matter pursuant to NRS
17 4.370(1), as the matter in controversy exceeds Fifteen Thousand Dollars (\$15,000.00) exclusive
18 of attorney's fees, interest, and costs.
19

20 13. That as a further direct and proximate result of the negligence, carelessness, and
21 recklessness of Defendants, Plaintiff was required, and will be required in the future, to incur
22 expenses for medical care and treatment and costs incidental thereto in an amount to be
23 determined.
24

25 14. That as a further direct and proximate result of the negligence, carelessness, and
26 recklessness of Defendants, Plaintiff has incurred substantial out-of-pocket expenses, including,
27 but not limited to, money spent for prescriptions, medication, and uncovered medical expenses.
28

1 15. That as a further direct and proximate result of the negligence, carelessness, and
2 recklessness of Defendants, Plaintiff has endured physical and emotional pain and suffering. It
3 is further expected that Plaintiff will be forced to endure future physical and emotional pain
4 associated with her continued medical treatment, recuperation, physical therapy and limitations
5 associated with her injuries into the foreseeable future.
6

7 16. That as a further direct and proximate result of the negligence, carelessness, and
8 recklessness of Defendants, Plaintiff has suffered and continues to suffer a significant
9 deterioration in Plaintiff's enjoyment of life and lifestyle.
10

11 17. That Plaintiff has had to retain the services of an attorney to prosecute this action
12 and is, therefore, entitled to reasonable attorney's fees and costs of suit incurred herein.
13

14 WHEREFORE, Plaintiff, expressly reserving the right to amend her Complaint at the
15 time of trial of the actions herein to include all items of damages not yet ascertained, demands
16 judgment against Defendants, and each of them, as follows:

- 17 1. General damages in an amount in excess of \$15,000.00;
- 18 2. Damages for costs of medical care and treatment and costs incidental thereto,
19 when the same have been fully ascertained;
- 20 3. Reasonable attorney's fees and costs of suit incurred herein; and
21
22
23
24
25
26
27
28

1 4. For such other and further relief as the Court may deem proper in the premises.

2 DATED this 1 day of ^{September}~~August~~, 2020.

3 MOSS BERG INJURY LAWYERS

4
5 By:

6 BOYD B. MOSS III, ESQ.

7 Nevada Bar No. 8856

8 boyd@mossberglv.com

9 JOHN C. FUNK, ESQ.

10 Nevada Bar No. 9255

11 john@mossberglv.com

12 4101 Meadows Lane, Suite 110

13 Las Vegas, Nevada 89107

14 Telephone: (702) 222-4555

15 Facsimile: (702) 222-4556

16 *Attorneys for Plaintiff*